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February 21, 2025

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Hector Gonzalez, U.S.D.J.
225 Cadman Plaza East
Courtroom 6A South
Brooklyn, NY 11201-1804

Re: Graci v. J&D Pizza Restaurant Inc., et ano
Case No.: 1:24-cv-8572 (HG)

Dear Judge Gonzalez:

This firm represents the Defendants in the above-referenced case. Defendants write to respectfully request that this Court “so Order” the enclosed fully executed Stipulation of Vacatur of Judgment. As set forth below, Plaintiff consents to the instant application.

Relevant Factual Background & Procedural History

By way of background, this federal & state wage-and-hour case was resolved pursuant to Rule 68 of the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”) in which a judgment was entered on January 29, 2025. The judgment has been paid in full and the Plaintiff has consented that Defendants would make the instant application.

This Court Should “so Order” the Stipulation of Vacatur of Judgment

Defendants respectfully submit that because the Plaintiff consents and the parties contemplated to have the January 29, 2025 judgment vacated upon payment in full, this Court should “so Order” the enclosed Stipulation of Vacatur of Judgment. Further, Rule 60(b)(5) provides that, on motion¹ and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding because the judgment has been satisfied, released, or discharged.

Here, Defendants further respectfully submit that all of their obligations under both the January 29, 2025 judgment have been satisfied.

¹ Defendants respectfully request leave of this Court to make the instant request as a letter motion rather than a formal motion (as required by Local Civil Rule 7.1) in accordance with Rule 1, which requires that the Rules be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding. See Fed. R. Civ. P. 1 (emphasis added). Because the Plaintiff consents to the requested relief, Defendants respectfully submit that this Court grant leave to file the instant request as a letter motion rather than a formal motion.

Rule 60(b)(6) also provides that the court may relieve a party from a final judgment for any other reason that justifies relief; Defendants respectfully submit that the parties' agreement to vacate the foregoing judgment upon satisfaction constitutes such a reason.

Accordingly, this Court should "so Order" the Stipulation of Vacatur of Judgment both because Plaintiff consents and under Rules 60(b)(5) and 60(b)(6).

Defendants thank this honorable Court for its time, attention, and anticipated courtesies in this case.

Dated: Jamaica, New York
February 21, 2025

Respectfully submitted,

SAGE LEGAL LLC

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